

At a term of the Family Court of
the State of New York, held in and
for the County of _____,
at _____, New York,
on _____.

PRESENT: Hon. _____
Judge/Hearing Examiner

.....
In the Matter of the Petition for an Order
upon an Agreement of Support, between

(Commissioner of the Social Services, Assignee
on behalf of _____, Assignor)

Docket No.

Petitioner,
S.S.# (Assignor)

ORDER UPON
SUPPORT
AGREEMENT

-against-

Respondent.
S.S.#

.....
NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN
INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT;
SUSPENSION OF YOUR DRIVER'S LICENSE, STATE-ISSUED
PROFESSIONAL, TRADE, BUSINESS AND OCCUPATIONAL LICENSES
AND RECREATIONAL AND SPORTING LICENSES AND PERMITS; AND
IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS.

**IF THIS ORDER IS ENTERED BY A JUDGE, PURSUANT TO SECTION
1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER
MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY
APPELLANT IN COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE
LAW GUARDIAN UPON THE APPELLANT, OR 35 DAYS FROM THE
DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF
COURT, WHICHEVER IS EARLIEST.**

IF THIS ORDER IS ENTERED BY A HEARING EXAMINER, SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.¹

A petition having been filed by the above-named Petitioner for the issuance of an order upon an agreement for support made between the Petitioner and the above-named Respondent dated _____; and

The petition having duly come on to be heard before this Court; and the Petitioner having appeared (with counsel) (without counsel) and Respondent having appeared (with counsel) (without counsel); and

[Delete inapplicable provisions]:

(It appearing that the amount of child support in the agreement deviates from the basic child support obligation;) and

(It appearing further that the agreement contains the provisions required by Section 413(1)(h) of the Family Court Act, including the parties' reason(s) for not providing for the basic child support obligation; (and that the unrepresented (party)(parties) (has)(have) received a copy of the child support standards chart promulgated by the Commissioner of the N.Y.S. Office of Temporary and Disability Assistance pursuant to Section 111-i (of the Social Services Law));

(And the Court having found that the parties' agreement to deviate from the basic child support obligation is approved for the following reasons: [See Family Court Act Section 413(1)(f)]

);

The name, address and telephone number of Respondent's current employer(s) are:

NAME

ADDRESS

TELEPHONE

¹ NOTE: objections may not be filed to an order based upon a support agreement, that is, an order issued upon consent of the parties.

NOW, therefore, it is hereby

ORDERED that the agreement for support annexed to the petition herein be and the same hereby is approved; and it is further

ORDERED that pursuant to the annexed agreement for support, the above-named Respondent shall make payments (bi-)(weekly) (semi-)(monthly)(quarterly) as follows:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security #</u>	<u>Amount</u>
Spouse:			
Child(ren):			

Total:

(payments for the support of spouse shall terminate upon death of said spouse); and it is further

ORDERED and ADJUDGED that the above-named Respondent is responsible for the support so ordered from _____, the date the petition was filed to the date hereof (less the amount of \$ _____ heretofore paid) and that the Respondent pay the sum of \$ _____ as follows: immediately, \$ _____ (bi-)(weekly)(semi-)(monthly); and it is further

ORDERED that the above-named Respondent, upon notice of this Order, pay or cause the aforesaid amount(s) to be paid to (Petitioner)(IV-D cases: Support Collection Unit)(Non IV-D cases: N.Y.S. Office of Temporary and Disability Assistance)² such payments to commence on _____; and it is further

ORDERED that, pursuant to Family Court Act §440(1)(b)(2), this order shall be enforceable by immediate income deduction order issued in accordance with Section 5242 (c) of the Civil Practice Law and Rules; and it is further

(ORDERED that, for the following reason(s)

²Non-IV-D cases only: payments must be remitted to: New York State Office of Temporary and Disability Assistance, Post Office Box 15365, Albany, New York 12260.

constituting good cause pursuant to Family Court Act §440(1)(b) the (IV-D cases: Support Collection Unit) (Non IV-D cases: Court) shall NOT ISSUE an immediate income execution; however, in the event of default,³ this order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law; (and it is further)

(IV-D cases only): ORDERED that the Respondent, custodial parent and any other individual parties inform the Support Collection Unit of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver’s license number; and name, address and telephone numbers of the parties’ employers ; and it is further

(ORDERED that pursuant to the agreement for support the
pay to _____,
the attorney for the other party, the sum of \$ _____ as and for counsel fees in this proceeding (which
payment may be made in (bi-)(weekly)(semi-)(monthly)(quarterly) installments of
\$ _____ each, commencing on _____, _____, until the entire sum is paid;) (and it is further)

(ORDERED that Respondent shall have the following right of visitation with respect to the children:⁴

(The Court having determined) (that employer-or organization-subsidized health insurance coverage is available to [specify name(s) of legally-responsible relative(s)]:

(under the following group health plan [specify, if known]:

) or (that the dependent(s) named herein may be eligible for health insurance benefits under the New York “Child Health Plus” program), [delete inapplicable provision(s)],

IT IS THEREFORE ORDERED that [specify name(s) of legally-responsible relative(s)]:
enroll the eligible dependents named herein under said insurance coverage immediately and without regard to seasonal enrollment restrictions effective as of [specify date]:
, and maintain such coverage as long as they remain available in accordance with [delete inapplicable provision(s); check applicable box]:

“ [IV-D cases only]: (the Medical Execution, which shall be issued immediately by the Support Collection Unit, pursuant to Section 5241 of the Civil Practice Law and Rules)(the Medical Execution issued

³ "Default", as defined in CPLR 5241, means the failure to remit three payments on the date due in the full amount directed in this order, or the accumulation of arrears, including amounts arising from retroactive support, that are equal to or greater than the amount directed to be paid for one month, whichever occurs first.

⁴ For judicial order only.

by this Court)

G [Non-IV-D cases only]: (the Qualified Medical Child Support Order. Such coverage shall include all plans covering the health, medical, dental, optical and prescription drug needs of the dependents named above and any other health care services or benefits for which the legally-responsible relative is eligible for the benefit of such dependents; provided, however, that the group health plan is not required to provide any type or form of benefit or option not otherwise provided under the group health plan except to the extent necessary to meet requirements of Section 1396(g-1) of Title 42 of the United States Code;)

G [“Child Health Plus,” IV-D and Non IV-D cases]: (the “Child Health Plus” program, the NYS health insurance program for children. The custodial parent [specify name]:

shall immediately apply to enroll the eligible

dependent(s) named herein in such program, effective as of [specify date]: and

the costs of such program shall be allocated among the parties as follows [specify]:

); (and it is further)

(ORDERED that upon a finding that the above-named legally-responsible relatives) willfully failed to obtain health insurance benefits in violation of [delete inapplicable provision]: (this order) (the medical execution)(the qualified medical child support order), such relative(s) will be presumptively liable for all health care expenses incurred on behalf of the above-named dependent(s) from the first date such dependent(s)(was)(were) eligible to be enrolled to receive health insurance benefits after the issuance of such order or execution directing the acquisition of such coverage)(and it is further)

(ORDERED that [specify]: , the legally-responsible relative herein, pay (his)(her) pro rata share of future reasonable health expenses of the child(ren) not covered by insurance by (direct payments to the health care provider)(other [specify]:

); (and it is further)

)(as follows:)

(ORDERED that, if health insurance benefits for the dependent(s) named herein not available at the present time become available in the future to the legally-responsible relative, such relative shall enroll the dependents named herein who are eligible for such benefits immediately and without regard to seasonal enrollment restrictions and shall maintain such benefits so long as they remain available)

); (and it is further)

(ORDERED that , the non-custodial parent herein, pay the sum of \$ as (his)(her) proportionate share of reasonable child care expenses, to be paid as follows:

);

(and it is further)

(ORDERED that , the non-custodial parent herein, pay the sum of \$ as educational expenses by (direct payment to the educational provider)(as follows:

);

(and it is further)

(ORDERED that [specify party or parties
[Check applicable box(es)]:

G (purchase and maintain)(life)(and/or)(accident)insurance in the amount of [specify]:
_____ (and/or)

G (maintain the following existing (life)(and/or)(accident) insurance policy in the amount of
[specify]: _____ (and/or)
assign the following as (beneficiary)(beneficiaries)[specify]:
to the following existing (life)(and/or)(accident) insurance policy or policies [specify
policy or policies and amount(s)]: _____.

In the case of life insurance, the following shall be designated as irrevocable beneficiaries [specify]: ____
_____. During the following time period [specify]: _____
_____.

In the case of accident insurance, the insured party shall be designated as irrevocable beneficiary
during the following time period [specify]: _____.

The obligation to provide such insurance shall cease upon the termination of the duty of [specify]: ____
_____ to provide support for each child. (and it is further)

(ORDERED that when the person or family to whom family assistance is being paid no longer
receives family assistance, support payments shall continue to be made to the Support Collection Unit, unless
such person or family requests otherwise;)

IT IS FURTHER ORDERED that a copy of this order be provided promptly by (IV-D cases:
Support Collection Unit) (Non-IV-D cases: Clerk of Court) [delete inapplicable provision] to the New York
State Case Registry of Child Support Orders established pursuant to Section 111-b(4-a) of the Social
Services Law. (and it is further)

(ORDERED

.)

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE
APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE

DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS TO WHICH AN ADJUSTED ORDER CAN BE SENT AS REQUIRED BY SECTION 443 OF THE FAMILY COURT ACT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING OR AFTER THE EFFECTIVE DATE OF THE ORDER, REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

ENTER

J.F.C./H.E

Dated: , .

Check applicable box:

9 Order mailed on [specify date(s) and to whom mailed]: _____

9 Order received in court on [specify date(s) and to whom given]: _____